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*Ed. McPherson Esq
with respects of
A. C. Paige.*

ADDRESS

BEFORE THE

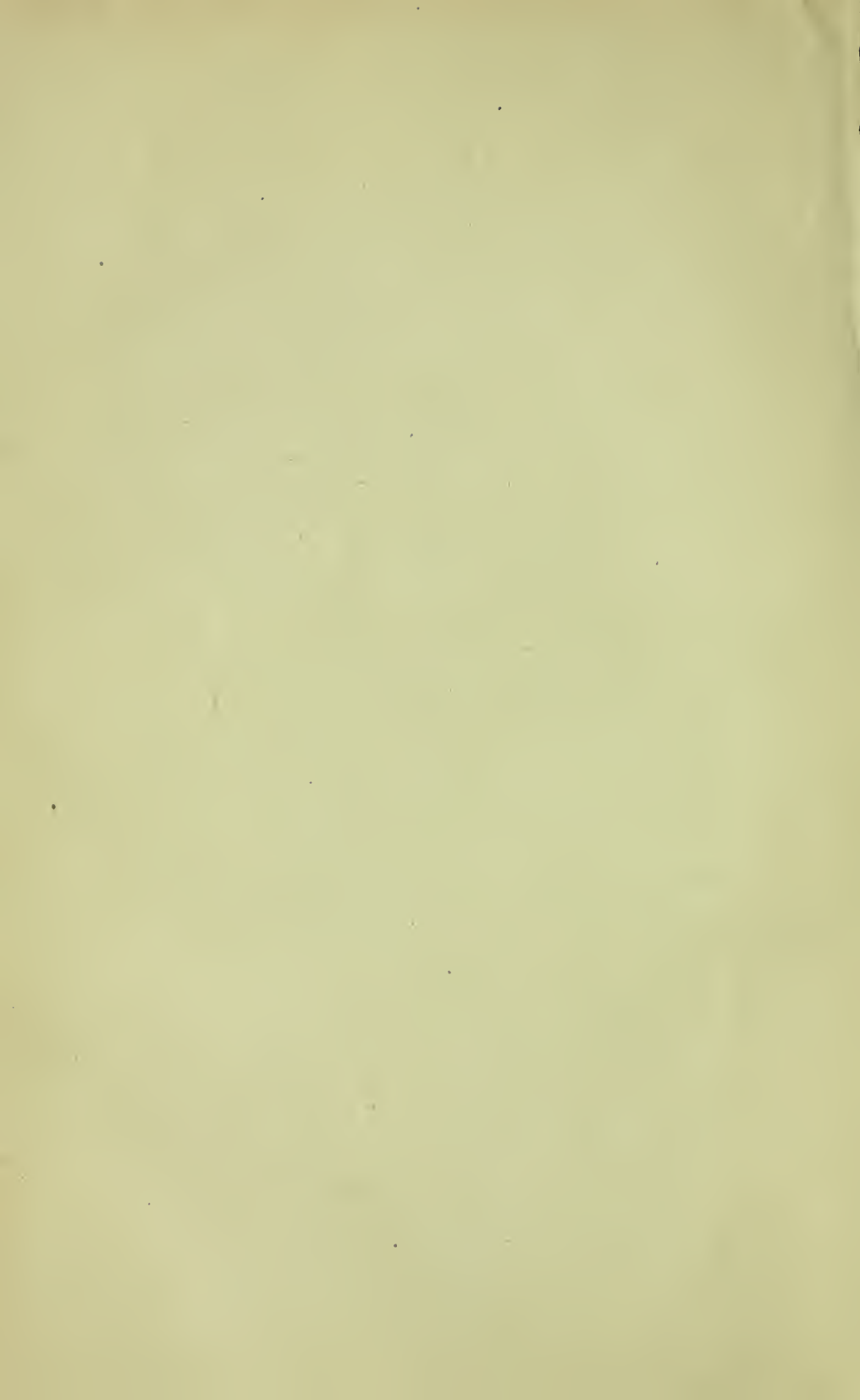
COMMON COUNCIL AND CITIZENS

OF THE

CITY OF SCHENECTADY,

JULY 4, 1865.

By ALONZO C. PAIGE, LL. D.



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ALBANY:
VAN BENTHUYSEN'S STEAM PRINTING HOUSE.
1865.

Hon. A. McMULLEN, *Mayor, &c.*

Ms. A. 9. 2. 1. 1. 1.

ADDRESS.

On the 4th July 1776, the delegates of the people of thirteen distinct Colonies, occupying territories on this continent, and having severally a political existence under charters from successive kings of Great Britain, in General Congress assembled, in the name of the people of these Colonies, solemnly declared, “that these United Colonies were and of right ought to be free and independent States;” and “that all political connection between them and the State of Great Britain was and ought to be totally dissolved.” This sublime manifesto to the civilized world, was a transcendant exercise of that primordial and ultimate right which, under the laws of nature and of nature’s God, belongs to every people, to establish, alter and abolish their own systems of government. In the legitimate exercise of this imprescriptible right, the people of the American Colonies renounced their allegiance to the British Crown, and assumed “their separate and equal station among the powers of

the earth.” By the potential instrumentality of this grand and glorious act of political sovereignty, these Colonies, lifted up from the humiliating condition of colonial subjection, and transformed into free and independent States, presented themselves to the startled gaze of the admiring and sympathizing masses of other countries, a one, united, self-constituted nation, proclaiming the principles upon which it was founded, and by which its creation was justified. This declaration of independence, was not a form of government and did not prescribe one. That great desideratum had yet to be supplemented. The severance from the British Empire, and the assumption of sovereign power, as well as the institution of civil government, were all acts of political authority which the people alone could perform. The two former were accomplished by the Declaration of Independence, which was published in the name and was the act of the people. In that instrument the people of the United Colonies assumed the obligation of instituting a civil government to secure the rights of life, liberty and the pursuit of happiness ; rights declared therein to be unalienable ; and by that instrument also the whole people of these Colo-

nies, by their delegates entered into a compact with each citizen thereof, whereby they in effect covenanted with each other that the Colonies as United Colonies, were and of right ought to be without limitation as to time, free and independent States; and thus by necessary implication, they guaranteed to each other their perpetual union, freedom and independence.

There still remained to be fulfilled, the obligation to institute a civil government upon the principles set forth in the Declaration of Independence, to secure to the people of the several States, and to every citizen thereof, the blessings of liberty, and to provide for their safety and happiness. No system of civil government could effectually accomplish these objects, unless it combined both the elements of unity and nationality. The first attempt of Congress and the State Legislatures to fulfill the pledge of the Declaration of Independence, to institute a civil government, was a miserable failure. The Articles of Confederation proposed by Congress in 1777 and approved by the State Legislatures, in 1778, did not embrace the elements of unity and nationality, and did not meet the requirements of the Declaration of Independence. The Con-

federacy had no power to enforce obedience to its own enactments, or to aid one of the States in suppressing insurrection within its limits, and no power to collect taxes, or to regulate commerce. It had no power to raise armies or moneys for the public expenses, except by requisitions upon the States for quotas of men or money, which they at their option disregarded or rejected. It had no executive power, and no judicial power. The Articles of Confederation could only act upon the individual citizens indirectly through the agency of the States. This apology for a system of government was the joint and exclusive offspring of Congress and the State Legislatures. The people in their political capacity had no part in its maternity. The Confederation had not a single characteristic of nationality. It is described in the articles as a league of friendship. Mr. John Quincy Adams called it an alliance of States. It was miserably ineffectual in accomplishing any of the purposes foreshadowed in the Declaration of Independence. Public credit was destroyed; public faith violated; and the union was in the last agonies of dissolution. Washington in his retirement was alarmed. At Mount Vernon, the idea was first suggested of a revisal

of the Articles of Confederation, which led to the convention of 1787; to the preparation of our glorious Constitution, and to the ultimate ratification of the same, by the whole people in conventions for the purpose assembled. The adoption of this Constitution by the people in virtue of their sole right of political sovereignty, was the birth of our nationality. It was the triumphant consummation of the political revolution commenced by the war and the Declaration of Independence.

This Constitution was made by and for the people, and not by the States as such. It is national in its character, and is clothed with the powers and prerogatives of nationality. It is not a compact or league of friendship between independent States or a mere alliance of States, as were the Articles of Confederation. Its prerogatives of nationality are the right of Congress to collect taxes, regulate commerce, declare war, raise and support armies, and to exercise the powers of legislation; the right of the President, with the consent of the Senate, to make treaties, to appoint the judicial and other officers of the United States, to suppress insurrection and repel invasion, and to take care that the laws are faith-

fully executed; and the right of the judicial power to exercise jurisdiction over all cases arising under the Constitution, the laws of Congress and the treaties of the United States; all of which are declared to be the supreme law of the land.

We find in this Constitution all the powers delegated by the people, necessary “to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” We find also, in the amendments to the Constitution, a provision that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

We do not find in this Constitution any authority—not even an approximation to an authority—for a State to nullify an act of Congress, or to secede from the Union. The Constitution is the work of the whole people, and not of the States as political corporations. It is the supreme law of the land, and is paramount to all State Constitutions and laws. It was ratified by the people of all the original thirteen States, and

has received the assent of, and been adopted by the people of every State, which has since been admitted into the Union. It was a political compact, voluntarily entered into by the people of all the States in their individual capacities, as the ultimate and exclusive depositaries of political power, by which the whole people agreed with each citizen of the States, with the assent of the States, to establish and did establish, a civil government; and surrendered and delegated to such government certain enumerated and defined powers; and thereby they in behalf of themselves and of the several States forever renounced the exercise of such powers. From the moment of the adoption of the Constitution and the institution of this government, no one of the States, nor any citizen or body of citizens of any State or of the United States, had the right or power to declare null and void an act of Congress; nor had any State the power or right to separate itself from the other States, or to secede from the Union. The right and power to do either of these acts had been surrendered by the States and by the people of the States to the government established by the Constitution. A

principal object of the Constitution was to form a more perfect union of the States. The asserted right of nullification and secession would defeat this object ; because it involves the right of any one State to abrogate the laws of Congress and supercede the Constitution, and to maintain such right by arms ; or in other words it involves the right to organize insurrection, and to overthrow the government and dissolve the Union by physical force. It is a claim to array the sovereignty of one State against the sovereignty of the United States. The Union of the Colonies preceded the Declaration of Independence. Each State, and the people of each State, having parted with just so many powers as were necessary to create a single nation by an intimate Union of all the States and an association of the whole people of the United States, nullification and secession cannot under any possible circumstances be tolerated ; as they are inevitably destructive of that national unity, which was the object of the concession of the political powers, delegated to the Federal Government. Secession never can be even morally justified, except as a right of revolution, conferred by the extremity of oppression, after every other conceivable remedy has been exhausted.

The compact, by which the whole people and the States instituted the Federal Government, imposed reciprocal and sacred obligations upon each. It is the duty of the States and the people to obey the Constitution and laws of Congress made in pursuance thereof. It is the solemn and imperative duty of the government, under all circumstances, to indicate the just power of the Constitution; to preserve the integrity of the Union, and to execute the laws by all constitutional means; by civil remedies so long as they avail, and, when they fail, then by physical force. While the Government should be always willing to exercise forbearance in respect to the errors of the people, when the exigency of an open and organized resistance to the laws, or to its constitutional authority demands it, it should never hesitate to employ force, sufficient to overcome it. The proposition that the general government has no rightful power to coerce a State to perform its constitutional obligations, is too preposterous for discussion. Our Constitution and Union are too precious and have cost too much, to be surrendered upon so shallow and so odious a doctrine. Our priceless inheritance of a free Constitution and regulated liberty, is a

sacred trust in our hands; and the solemn responsibility is upon us to transmit it unimpaired to our posterity. Our rallying cry must be "the Constitution and the laws are supreme and the Union indissoluble."

There is no ground for apprehension in regard to the self sustaining vitality of our government. The powers delegated to it are amply sufficient in their legitimate exercise, to provide for its preservation. The powers of Congress to collect taxes and to raise and support armies, and of the President as such and as Commander in Chief to see that the laws are faithfully executed and that rebellion is suppressed and invasion repelled, confer not only the right, but arm the Government and the Executive with the power to coerce the citizens of a State, who are attempting to carry it out of the Union, to relinquish the enterprise, and resume their obligations to obey and support the Constitution. So perfectly clear in my judgment are these propositions, that I am amazed that they ever should have been controverted. We look in vain for any authority for the doctrine of nullification and secession in the expressed opinions or acts of the great men who framed the constitution. Jefferson and Madison

denied any such authority. Jackson declared the doctrine to be "a metaphysical subtlety in pursuit of an impracticable theory;" and in his proclamation of Dec. 1832 he denounced it as "incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution; unauthorized by its spirit,—inconsistent with every principle on which it was founded, and destructive of the great objects for which it was formed." John Quincy Adams, declared that "the right of a State to nullify an act of Congress was too absurd for argument and too odious for discussion."

The preposterous doctrine of nullification and secession, claimed by Southern politicians as a State right, has created an unjust prejudice against those unquestionable rights, which are expressly reserved by the Constitution to the States and the people. It has induced mistaken and erroneous views in respect to the reserved rights of the states, even in the minds of many educated men. Not a few scholars and statesmen have thus been influenced to discard the entire doctrine of State rights as incompatible with American nationality; and even to adopt such absurd and latitudinarian principles of construction,

under the delusive name of implied powers, as would subvert the legitimate and fundamental rights of the States, never surrendered, and would aggregate in the general government, political powers, overshadowing and imperial. Thus the reserved rights of the States are stigmatised as “the pestilent pretension of State rights;” “the perverse pretension of State rights;” “the miserable pretension of State sovereignty;” “the dogma and delusion of State rights;” as instrumental in making our nation a nuisance on the earth; “as the lying names of conservatism, State rights and State sovereignty.” And thus it is insisted that the States of our Union are so incohesive; so diremptive; so autonomous; so slenderly conjoined; “such a piece of conventional patchwork,” that the obliteration of State lines,—the abolition of State rights,—and of State sovereignties,—and consolidation, political, geographical, and historical, can alone preserve American nationality. And to further this scheme of an imperial consolidation with despotic powers, we are told that the Federal Government, under our present Constitution, absorbs all political sovereignty, and that no residuum, not the slightest, is left for the States;

that the States are mortal; that they may commit suicide; that as political corporations they can be guilty of treason; and that treason by States is self destruction; that Congress may abolish them; that it may declare them civilly dead; their rights as States forfeited; and their places in the Union abdicated; and that it may establish upon their ruins Congressional governments. What would the great men of the revolution—what would Washington, and Hamilton, and Madison, and Jay, and Jefferson, and John Adams, if now living, say to such opinions and schemes. There is not an act of their lives, nor a thought ever expressed by either of them, which countenances such political heresies as these. The States, and the people of the States, united under and by virtue of the Constitution, form the American Union. The Constitution provides for the admission of new States into the Union; but it makes no provision for the obliteration or expulsion of a State. If a State cannot by the voluntary action of its corporate authorities or of its people, be taken out of the Union,—it cannot be expelled from it. The States are integrant and indispensable parts of the Union. The proposition that an act of

secession of the Legislature of a State, inoperate and void, is self-murder by the State, involves an egregious absurdity, legally, constitutionally and logically. Treason may overthrow the legitimate governments of the States; and their functions thereby become temporarily suspended, but they remain existent States of the Union; although in abeyance, and are always in a condition at any time to be resuscitated, reorganized and rehabilitated by loyal hands. This work of resuscitation may be achieved in any State by loyal citizens, whether "to the manor born" or denizens from other States. A State is a political corporation, soulless and insentient. It cannot commit a crime—moral guilt is not imputable to it. If treason be perpetrated by its public officers, they are the offenders and they alone are responsible.

Our Government is a compound Government; in part national, and in part federative. It is national in respect to the operation of its powers upon the individual citizens, in their individual capacities; and in respect to the foundation on which it is established, the ratification of the Constitution by the people. It is national in the manner of the choice of the House of Represen-

tatives ; and federative in the constitution of the Senate, and in its participation in the three great departments of constitutional power. It is national in the element that the Constitution and the constitutional laws of the United States are the supreme law of the land. It is partly national and partly federative in the mode of the election of the President. Both houses of Congress represent at the same time both the whole people and all the States of the Union. The Federal Government is called a dual government, because it shares governmental powers with the States. Its jurisdiction extends to certain enumerated objects, connected with the general welfare of the whole people. The powers of the States relate to local and municipal subjects—the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State. The States move in interior circles; the general government in an outer comprehensive circle, embracing all the States, binding them together in a compact union, and creating a political oneness—a national unit. The line of demarcation between the two jurisdictions, is clearly defined and perfectly distinct.

There is no antagonism between them. The relation is one of perfect adaptation. The powers delegated and those reserved can under no circumstances collide, if constitutionally exercised. The two departments of political power, State and National, are harmonious and co-operative. They invigorate, fortify and sustain each other. The States operating within their own spheres, exercising political power in respect to all local and internal matters, and maintaining domestic tranquility within their respective territorial limits, the general Government is left to gather up and husband its national powers to defend the Union, provide for the common defence, and promote the general welfare. The States are necessary and essential parts of our compound and dual Government. They, and the powers reserved to them, are indispensable to its perpetuity. With the States obliterated, and their powers transferred to the general Government, and jurisdiction committed to it, over all local and municipal matters, as well as those of general and national interest, with but one Legislature and one Executive, the general Government would not outlive a single generation, unless clothed with despotic power, and having

the support of a great standing army to maintain its authority. Thus the price of consolidation would be the surrender of civil and political liberty; and the equivalent for our present beneficent Government, would be a military despotism—with its provincial satraps and cohorts of provost marshals, and their concomitants,—military trials,—perpetual suspension of the writ of habeas corpus,—the censorship of the Press,—and the abolition of the trial by jury and the freedom of speech.

The American people have, of all nations on the earth, the greatest possible cause for gratitude to Almighty God, for his bestowal upon them of a system of government, of all others the best adapted to create and preserve national unity; and to secure domestic tranquility and the blessings of regulated liberty to them and their posterity. And yet, apparently unconscious of the priceless value, and the inherent vitality of this government, and of its self-sustaining power, we find scholars and statesmen still regarding our political union as in danger of disruption from the feebleness of the political bonds which bind it together. We see that they have derived no instruction from the triumphant vindication by

our Government of its own authority, which, within a few months has crowned its resistance to the most formidable rebellion which ever perilled the life of a nation. Blind to the recent experimental workings of this government, they continue skeptics in its adaptability to the perpetuation of American nationality, and pronounce the opinion that State Rights are still the rock of danger upon which, unless they are removed, our Union will be wrecked.

Let us turn for a moment from political transcendentalists — dogmatising innovators — men either with minds unsettled by the spirit of intense partisanship, or who are the slaves of a single idea, and are madly pushing onward to its realization, reckless of the damage to greater ideas, and to the political confusion and anarchy into which they are plunging the complicated machinery of our compound Government. Let us turn from these to the great Fathers of our Republic, to the glorious men trained up by Almighty God to achieve our independence, and who, by his aid, did achieve it, and framed that incomparable and matchless system of civil government under the beneficent auspices of which we have advanced from the feebleness of infancy

to the vast proportions of the leading nation on the globe. Let us turn to these men, and borrow from their wisdom to guide us in the present interesting crisis.

What was Washington's opinion of the Constitution and Government of the United States? He regarded the Constitution as the "precious depository of American happiness." He appealed with affectionate earnestness to his fellow-citizens to maintain it; to so carefully preserve it, so prudently use this blessing "as to acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it;" and he urged upon them that "the Government, the offspring of their own choice—in the distribution of its powers uniting security with energy—had a just claim to their confidence and support." And what did John Adams, his successor, think of this Constitution? He said, "as an experiment, it was better adapted to the genius, character, situation and relations of this nation and country, than any which had either been proposed or suggested;" and he exhorted his countrymen to "fortify and cling to their political institutions, and resist with unabating perseverance the progress of those

dangerous innovations which might diminish their influence." Jefferson declared that "the Government was the strongest Government on earth;" that its essential principles were "the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; and the preservation of the general Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad;" that "to keep within the pale of our constitutional powers, and to cherish the Federal Union as the only rock of our safety," were landmarks by which we were to guide ourselves. Madison says, in his fifth annual message, that "the war (of 1812) has proved that our free Government, like other free Governments, though slow in its early movements, acquires in its progress, force proportioned to its freedom, and that the union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test." Again, in a subsequent message he says, "We can rejoice in the proofs given that our political institutions, founded in human rights and framed for their preservation, are

equal to the severest trials of war, as well as adapted to the ordinary periods of repose." Monroe, in his inaugural, speaks of the wise partition of power between the General and the State governments, and of the protection of the latter by the former against foreign dangers; and says "that the Government is adequate to every purpose for which the social compact is formed;" that "it is equal to the greatest trials of war under the most unfavorable circumstances;" and that never was the success of a Government so complete. After a generation had passed away since the adoption of the Constitution, John Quincy Adams entered upon his presidential term of office, and, speaking for a later generation, adds his testimony to that of all his predecessors, in favor of the permanent excellence of the Constitution and general government; and tells us "that the great result of this experiment upon the theory of human rights has been crowned with success equal to the most sanguine expectations of its founders"—"that union, justice, tranquility, the common defence, the general welfare, and the blessings of liberty—all have been promoted by the Government under which we have lived,"—"that the general

government of the Union and the separate governments of the States are all sovereignties of legitimated powers; fellow servants of the same masters, uncontrolled within their respective spheres, uncontrollable by encroachments upon each other,"—that we are admonished by the collisions of party spirit, "to preserve alike and with equal anxiety, the rights of each individual State in its own government, and the rights of the whole nation in that of the Union." He says "to respect the rights of the State governments is the inviolable duty of that of the Union; the government of every State will feel its own obligation to respect and preserve the rights of the whole." These words were from the pen of one of the most accomplished scholars, statesmen, writers, and orators the United States or the world ever produced—he who was called in after years "the old man eloquent." Every opinion as thus expressed by him, was reiterated by his successor, Jackson, and were the opinions of all his predecessors. Statesmanship had been the study of his life. He was a statesman in the largest sense of the term; theoretical and practical; familiar with the science of government,—with the political history of every nation, since

the beginning of time ; with constitutional jurisprudence and international law ; with the genius, character, habits, condition, and opinions of the American people ; and with the practical workings of our political system. You have seen what were the opinions of this great man ; and especially as to the partition of powers between the General and the State governments, and the legitimate rights of the States. He did not regard these rights as “a dogma and delusion”—“a pestilent pretension”—“a lying name”—“as the bane of the American States”—“as the rock of danger to American nationality.”

No ; it was reserved for modern pretenders to statesmanship—for sciolists in political philosophy and in constitutional jurisprudence—for political partisans and one-idea philosophers—for consolidationists—for the advocates of a strong government, republican in name, but monarchial in substance ;—it was reserved for the arrogance of such as these, to attempt to controvert the opinions of the grand and glorious statesmen whose names I have mentioned. It is not necessary to add, that the attempt is as abortive as it is presumptuous.

This class of politicians, who array themselves against the illustrious men whose opinions in relation to the National Constitution and the partition of powers between the General and State Governments I have given, have no respect, no reverence for the Constitution. They profess to see in it incurable defects.

An article, of July, 1864, in a leading Boston periodical, entitled "The Constitution and its Defects," represents their opinions and peculiar political philosophy. This article speaks derisively of what is called in it "Constitution-worship," and "excessive reverence for the Constitution." It pronounces the Constitution a failure; because, as it alleges, it was not able to prevent a disruption of the Union. It commends the higher law doctrine, and declares that there should be a re-distribution of political powers between the General and State Governments; that a larger share should be allotted to the former, and that the whole doctrine of State Sovereignty might be swept away without prejudice to our liberties.

If the preparation of this article had been delayed until July, 1865, the public would probably never have seen it; as previous to that date it

had been demonstrated by the logic of facts, that the Constitution was no failure, and that its power was ample to maintain the Union, under any and all supposable circumstances.

This class of politicians, to whom I have referred, may be designated as political transcendentalists. They affiliate with the New England theological transcendentalists. Both profess to be illuminated by a new philosophy—a new revelation,—the former in the science of government, and the latter in theology.

This transcendental philosophy, whether political or theological, goes beyond the boundaries of human knowledge, and expatiates in the shadowy regions of imaginary truth. It teaches a false philosophy. It is alike hostile to the spirit of the Gospel and the free institutions of our country. It unsettles the foundations of religious belief, and expels from the minds of the people their love for, and confidence in our system of government; the best calculated of any system ever suggested to maintain the Union, and make the American people a great, happy, and prosperous nation.

The result of the bloody conflict in which we

have been engaged, has furnished us conclusive evidence of the cohesiveness of the States in the Union created by the Constitution; and of the irresistible power of that Constitution to assert its jurisdiction over every delinquent State, and over every Territory of the United States. And when Slavery, the only disturbing element, is thoroughly eliminated, these States will present the most sublime spectacle of political, social, and religious homogeneity, which history records, or the sun ever shone upon.

The logic of the events crowded into the last four years of our history, demonstrates the stability, as well as the inherent strength and vigor of our Government; and dissipates all the fears which have been entertained in respect to its permanency.

The political example and fall of other republics should have no terrors for us; for there is no analogy between their political condition and ours.

It has been insisted with earnestness, that we have "a complete exemplar in the States of Greece;" that autonomy was the bane of Greece; and that the doctrine of State rights and State sovereignties, has been, and is yet, the rock of dan-

ger to American nationality. I can see no similitude between the small States of Greece, and the States of the American Union. The States of Greece were factious, turbulent, and jealous; they were disunited and discordant; and when most accordant, united by no other bond than a league, or an alliance — Amphyctionic or Achæan. The American States are conjoined in a well cemented Union, created and held together by the irresistible compression of a National Constitution. The States of Greece occupied a territory not exceeding in size the State of New York. The United States span a mighty Continent; and its opposite shores are washed by the two great oceans of the globe. The States of Greece were without God in the world; while the American States in numerous periods of their history, have enjoyed the protection and the smiles of an overruling Providence. We certainly have nothing to fear from any such *autonomy*, as was the bane of Greece; for none such is to be found in the Constitution of the States of the American Union.

We are now at peace among ourselves, and with all the world. The temple of Janus as to us is closed. Blessed be God for the same.

Our swords are being beaten into plough shares, and our spears into pruning hooks ; and may the universal prayer go up from all our hearts, on this happy day, that never again in all the future of our history, may it be necessary for the citizens of our glorious Republic, to lift up the sword against each other. In the words of John Quincy Adams, “now the future is all before us, and Providence is our guide.” Let our prayers ascend daily to the throne of the Father of our spirits, that he vouchsafe to be near this people, to watch over and protect them as he did their fathers ; that he give them grace to learn righteousness ; and that he continually teach them how to serve him, and how to discharge all their obligations ; to cultivate the spirit of fraternity and justice, the spirit of truth and mercy ; and may they learn that the only permanent security for our Government, and for public tranquility and order, is the influence of christianity upon the hearts of the people.

It is a self-evident proposition that the only durable foundation of a free government is the virtue of the people,—a virtue which is the fruit and the offspring of the joint-teachings of religion and morality. The stability of the Government

must depend upon the *stability* of this virtue in the people. Let us see to it then, as our great and imperative duty, that the schoolmaster is continually abroad, and that the mission of our divine master is systematically, perseveringly, earnestly, and enthusiastically prosecuted, on every parallel of latitude, and every line of longitude in our vast National domain. Not a fisherman's hut, on the rivers, lakes, or oceans, not a shanty on the prairies, nor a log house upon the mountains, should want a bible or the means of rudimental instruction.

My Fellow Citizens, we have assembled to-day for the purpose of a double celebration,—the birth of our National independence, and the triumph of our arms over rebellion, succeeded by the restoration of peace.

During four years, civil war has been drenching our fair fields with fraternal blood. A lawless and wicked rebellion, gigantic in its proportions, instigated and martialled by disappointed politicians, has raised its gorgon head and assailed the life of the Constitution and the integrity of the Union. It has brought sorrow to the homes of hundreds of thousands of our people, and sacrificed in its fury a quarter of a million

of the lives of loyal men, who had gone forth to the battle field in defence of the Constitution and the Union. It has spread havoc and desolation broadcast over the States in rebellion. Their blasted fields, consumed habitations, ruined inhabitants, and the graves of slain warriors, indicate the theatre of the bloody conflicts, and the marches of the contending hosts.

An Almighty hand has conducted us in safety through this terrible conflict. Under his overruling providence, the bravery of our armies and the genius, wisdom, prudence, energy and skill of our generals have achieved resplendent victories, over a brave, gallant and formidable foe; coerced the surrender of all the armed forces of the enemy; and given to us a vindicated Constitution, a restored Union, and honor, glory, and peace.

One of the most beneficent fruits, nay, the crowning triumph of these victories, is the crushing out of existence, never to be resurrected, of the accursed and disintegrating doctrine of nullification and secession.

Fellow Citizens—This should be a happy and joyous day to us all. Under other circumstances our joy would be enthusiastic and hilarious. But

now a gentle sadness steals into our minds, and tinges with melancholy all our thoughts. The memory of the numerous dead, a great congregation, all lives given to their country—is present with us here. And rising above all in solemn magnitude is a great special grief, which thrusts itself upon us, and infuses into our hearts the spirit of heaviness. Our great triumph was heralded and accompanied by a great sorrow. Beautiful was the thought expressed recently in one of our churches, that it seemed to be an ordering of Providence, that a great blessing should be sanctified by a great sacrifice. The sacrifice here, and the great sorrow, was the diabolical assassination of our lamented President. Under the able and sagacious administration of Abraham Lincoln, the war was conducted with various successes and defeats, until a succession of victories and superior forces, compelled Gen. Lee to surrender to Gen. Grant; and the deadly struggle was in near approximation to its termination. Peace was certain soon to crown the arduous labors of the President, with complete success; and he doubtless was anticipating the happy hour, when every armed foe should have disappeared from

the field, and he should receive the jubilant congratulations of his countrymen. At this precise moment, the hand of the assassin interposed, and thrust aside the victorious wreath, about to be placed by grateful hands upon his brow. Blessed and sweet will ever be the memory of his good deeds. The amenities and the kind heartedness of his every day life, will be placed in our hearts and kept there as part of its richest treasures. Many are the lives of the poor soldiers whom he respite from death, in response to the weeping importunities of wives, mothers, and daughters. His mercy to these men as well as to many others, has ascended to heaven as a sweet incense; and has doubtless secured to him the benefit of the rich reward, "Blessed are the merciful; for they shall obtain mercy."

It is one of the pleasing duties of the day to offer our tribute of applause to our gallant armies and their renowned leaders, who have achieved in the field the great triumph which we have assembled to celebrate. The prominent personage in this brilliant galaxy of military chieftains, (all now historic names,) and the cynosure of all eyes, is Lient. Gen. Grant; of all men the most modest and unpretending, but of all men

possessing the highest claims to pre-eminence. The best evidence of true greatness is modesty ; an humble and moderate estimate of one's own worth and importance. With what graphic truth can we apply to Gen. Grant the beautiful compliment of the speaker of the House of Burgesses of Virginia, to Washington ; "Your modesty equals your valor ; and that surpasses the power of any language that I possess." John Quincy Adams attributes the success of Washington in his public life, both military and civil, to two properties happily blended in his character, and constituting his highest excellence ; "the spirit of command, and the spirit of meekness." How admirably are the same qualities united in the character of Gen. Grant. Fort Donelson, Shiloh, Vicksburgh, the battles of the Wilderness, and before Petersburg and Richmond, are witnesses of his lion-hearted courage, his military genius and skill, his iron will, and his persistence in the pursuit of his purpose, denoting the fixed resolve from which there was no appeal, and no retreat. His vast comprehensive military combinations culminated in the involvement of Lee in a net of strategic arrangements, which compelled his surrender ; and the ultimate surrender

of all the other armies of the rebellion. The characteristic magnanimity of Gen. Grant, the index of a great soul, exhibited two sublime manifestations in his return to Lee of his sword, accompanied by a generous reply complimentary to the gallantry and soothing to the mortified pride of the latter; and his immediate withdrawal from Raleigh on the delivery to Sherman of the disapproval of his first arrangement with Johnston, and leaving to him the sole honor of receiving from the latter his surrender—an honor to which he was preëminently entitled.

The next prominent personage of this military galaxy who commands our notice, is Gen. Sherman himself,—the greatest campaigner of the age. A distinguished British General pronounced Gen. Sherman, after his march from Atlanta to the sea, the greatest campaigner since the days of Napoleon. But if we compare Napoleon's march from the borders of Poland to Moscow, 800 miles—his longest march—and its disastrous result, his retreat to France, with the loss of all but a remnant of his immense army of 500,000 men;—why may we not claim, that Sherman's successful march from Chattanooga by way of Atlanta and Savannah to Raleigh, about

the same distance as from Poland to Moscow, and its glorious consummation in the capture of Johnston's army, entitles him as a campaigner to rank at least as the equal of Napoleon. The original idea of this march, was Sherman's; and its execution was as brilliant as was its magnificent conception. It demonstrated the greatness of his intellect, and the fertility of his genius; the acuteness of his apprehension, and the unerring determinations of his judgment.

But Sherman is not only a fighter and a profound planner as a general, but he excels also as a writer and a speaker. He can make his mark—emphatically his mark—with his pen as well as with his sword. All honor to Sherman,—worthy, thrice worthy, his place by the side of his great commander, Grant.

Burke's glowing description of the descent of Hyder Ali upon the plains of the Carnatic, and his sweeping into captivity all its inhabitants "*in a whirlwind of cavalry*," reminds me of Sheridan, the peerless cavalry officer of the Federal army. His tremendous charges, and his lightning movements, can well be illustrated by the havoc and the speed of the whirlwind. His rapid advance from the west, and his splendid opera-

tions against Lee, contributed essentially to his surrender.

My Fellow Citizens, I wish that time allowed me to present to your notice, the names of all the brave and noble officers of our army of all ranks, nay, of the privates also, who by their courage, endurance, patience, sufferings, and sacrifices, have contributed to the overthrow of the rebellion and the restoration of peace. But if I should engage in this grateful task, the setting sun although now not far from its meridian, would find me with my labor of love not half completed. It would give me great pleasure to speak of Thomas and Mead and Howard, and Slocumb, and Hooker, and Franklin and Smith, and numerous others in my mind; and it would be a pleasing, although a melancholy duty, to stop at the grave of Sedgwick, that model soldier and gentleman, and offer a tribute to his cherished memory; and to pause at the last resting place of McPherson, and drop tears of regret for his untimely but glorious death on the battle field.

Before I pass to my remaining topics, I am desirous of addressing a few words of greeting and welcome to the officers and privates of the

134th Regiment, *our* regiment, who have recently been mustered out of service, and have returned to their homes among us ; as well as to the officers and privates of other regiments, who have returned under like circumstances. All of you after a faithful and honorable service in the cause of your country, have come back to resume the pursuits of private life. We welcome your return. We thank you for all you have done, all you have suffered, and all you have sacrificed in defence of the Union.

Soldiers of the 134th Regiment, your conduct in the numerous battles in which, under the command of your Colonel, Allan H. Jackson, you have been engaged, has established your claim to the applause of your fellow citizens, and the gratitude of your country. No regiment has won brighter laurels than yours. We have heard of your bravery everywhere. We heard of you at the bloody battle of Chancellorsville ; and shortly after in that deadliest of fights on the first of the three days conflict at Gettysburgh, where three hundred of your number were led into action by your Colonel, and only twenty-seven of them escaped slaughter and captivity. In October 1863, we heard of you again, with pride, when

forming a part of the command, which under the leadership of Hooker, "Fighting Joe Hooker," and in the advance, you drove the enemy from Lookout Valley; and in the same valley with two divisions repulsed a spirited attack by Longstreet. You were in the first line, the place of danger and of honor at the battle of Lookout Mountain, and Mission Ridge, and afterwards in November and December 1863, in inclement weather, and with insufficient clothing, and many of you without shoes, you made with the 11th Army Corps a march of three hundred miles for the relief of Knoxville—one of the severest campaigns of the war. You were with Sherman in his campaign—that greatest campaign of modern times—being most of the time in the advance of his army. You took part in all the battles of that army during the entire campaign, from Chattanooga, by way of Atlanta and Savannah, to Raleigh. You were at the murderous battle of Rocky-faced Ridge, when occupying the first line, you lost forty men and an officer, one-fifth of your number; and you were again at Resaca, where with two other regiments you made a most gallant charge upon a battery of four guns, capturing the battery, with many

prisoners. Your gallant conduct in the battles of White Hope Church, Pine Knob, Golgotha, Kulp's Farm, Kennesaw Mountain, Chattahoochee, Peach-tree Creek, Atlanta, Savannah and Goldsboro, added to the high distinction which you had previously gained. Often in the advance, and in situations where danger only was to be met with and glory to be won, at no time and under no circumstances did you fail to maintain the fighting character of your regiment, or the honor of our flag. All honor to the gallant 134th! Again I say, welcome among us, and may your future lives be as happy and as prosperous, as your conduct during the war has been honorable and glorious.

On this day when all political differences are ignored, and when we all stand together upon the platform of the Constitution and the Union, justice demands that I should refer to another high military officer, who contributed much, very much, to the overthrow of the rebellion. I allude to the creator of the Army of the Potomac, and the hero of the peninsular campaign and of Antietam,—George B. McClellan. Elaborate, concerted, and systematic attempts have been made

to shake the confidence of the American people in his generalship and patriotism. Military rivalry may have been an element stimulating the prosecution of these attempts. Their inception is doubtless traceable to antagonisms in respect to the political policy of conducting the war. They did not originate with, or receive the sanction of the great body of the political party, which supported the policy of the late administration. I have reasons for believing that a large number of the most influential members of that party, that the lamented Lincoln himself, and several members of his cabinet, retained their confidence in General McClellan as a military commander, unabated to the last. If the Washington policy of non-interference with the general in command, subsequently adopted in respect to Grant, had been applied to McClellan, it seems to me, there can be no doubt, that the peninsular campaign, instead of resulting in a failure, would have culminated in the capture of Richmond, and the acceleration of the overthrow of the rebellion. McClellan's independent control of McDowell's corps, would have enabled him to substitute success for failure, and victory for defeat. There is now no longer any purpose of partizan-

ship to subserve, by withholding justice from McClellan. Let it be awarded to-day. History will vindicate alike his patriotic devotion to his country, as one and indivisible; and his claims to the highest rank of military chieftains. Her verdict is inevitable. The civilized world has already pronounced it. Our national character for justice, truth, and gratitude, is involved in anticipating the verdict of history and the glorious record preparing for McClellan, which will form one of its brightest pages. He will be awarded a place by the side of Grant and Sherman, as one of the three most distinguished generals of the war; and the characteristic justice, independence and magnanimity of these, his illustrious compeers, will ratify this award.

Fellow Citizens—I will call your attention to one other topic before I close, the responsibilities of the crisis in relation to the practical restoration of the Union, and the rehabilitation of the Governments of the revolted States.

This subject presents two questions for the consideration of President Johnson; one in relation to the political condition of the States whose citizens revolted against the Federal Government; and the other in respect to the

extent of the amnesty to those who have been actively engaged or implicated in the rebellion.

As to the first question, I understand he has decided, that these States are not extinct as such, but remain members of the Union. That their functions have only been suspended by the usurping governments; and whenever there are loyal citizens in these States of sufficient number for the purpose, they can reorganize legitimate governments therein; and such States when so rehabilitated will be recognized as States of the Union. And the President is now instituting proceedings to reorganize the revolted States under the Constitution upon these principles.

My Fellow Citizens—You have abundant reason for congratulation, that an overruling Providence continues to manifest his beneficent regard for your safety and your happiness, by giving you in the place of the lamented Lincoln, one who respects the Constitution, and declares his high determination to preserve, protect, and defend it. No man who is acquainted with his personal history, can question his eminent qualifications for the high position he now occupies. Cool, self-possessed, thoughtful, dignified, bland and courteous, he maintains up to the highest standard,

the official proprieties of that exalted office. He has been long in public life, and has had a large experience as a statesman. He is, beyond all doubt eminently qualified to meet and discharge the high responsibilities which have devolved upon him—to work out wisely, leniently, firmly and successfully, the delicate and difficult task of the practical restoration of the Union. He has shown his disposition to deal generously and mercifully with a conquered and repentant enemy, so far as is consistent with the claims of justice, and the success of his policy of restoration.

The President in this policy recognizes, as I understand, the validity and continuing obligation of the laws of the revolted States, in force immediately prior to their secession; except such as uphold the institution of slavery, which he regards as abrogated by the proclamations of the President, the acts of Congress, and the laws of war; or as annulled by the arbitrament of arms. And he feels constrained to assume that the abolition of slavery in respect to the insurgents, is a legitimate result of their overthrow; and hence, that he must make it an element in his policy of restoration.

Upon the principles of the President's policy,

the laws of these States in force at the time of their separation from the Union, in respect to the elective franchise, and such as they shall constitutionally enact upon that subject after the reorganization of their legitimate governments, or pending the process of reorganization, *will prescribe* in their respective States the qualifications for electors of representatives in Congress. The Constitution of the United States provides (Art. I sec. 2,) that such electors "shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." This provision in connection with the one (Amend. of Const. art. 10,) reserving to the States all powers not delegated to the United States by the Constitution, commits to the respective States in express terms, the exclusive jurisdiction of the elective franchise.

It is proposed by some of the advocates of the immediate extension of the right of suffrage to all the freedmen of the revolted States, that Congress should refuse admission to the representatives of these States until they thus extend the elective franchise. In other words the proposition is, that Congress nullify and subvert certain essential and vital provisions of the Con-

stitution, and violate their oaths to support the Constitution, as coercive acts to compel the rehabilitated States to grant the right of suffrage to the colored race. No conceivable proposition could be so indefensible and demoralizing as this. It is nullification in a more offensive form than that of South Carolina in 1832. South Carolina nullified certain revenue acts of Congress, upon the assumed ground that they were unauthorized by the Constitution. The nullification now proposed is of the Constitution itself, without any pretense of legal or constitutional justification. This nullification is a revolutionary act, and is a moral if not an overt act of treason; and the violation of the oath to support the Constitution which it involves, is moral perjury; and the persons who counsel and advise and induce the commission of these acts, would be startled at being told that they are accessaries in respect to the treason, and suborners as to the perjury. The persons who advocate and recommend this nullification of the Constitution to accomplish the purpose avowed, are enemies of the President's policy of rehabilitation, and design to defeat it. They are doubtless the nucleus of a gathering opposition to the President's administration, initiated be-

cause his respect for the Constitution and his inflexible determination to see that the laws are faithfully executed, will not allow him to further their schemes at the expense of the Constitution, and of the tranquility, welfare, and security of the American people.

The times are too critical to justify or excuse an attempt to introduce even a meritorious political reform, which will jeopard the success of the President's plan of restoring the unity and nationality of the people and of the States upon the principles of the Constitution.

In this anxious crisis, the patriotism of men will be accurately gauged, by the extent and earnestness of the unconditional support they give the President's policy of restoring the Union.

The problem of restoration is as difficult, and requires as much statesmanship, as that of the conduct of the war. All in solid phalanx should rally to the President's aid, and strengthen his hands in the great work in which he is now engaged ; of re-establishing not only the political oneness and nationality, but the fraternity of the American people.

The remarks I have presented to you in res-

pect to the proposition that Congress refuse admission to the Representatives of the Southern States until they extend the right of suffrage to the colored race, are made irrespective of the merits of the question of the expediency or justice of such States granting such right to their freedmen, either immediately or when they shall be so educated as to be able to exercise the right with intelligence and independence.

Upon the theory that the revolted States have continued integrant parts of the Union, as soon as their respective State governments are reorganized under the proclamation of the President, they become States *de facto* as well as *de jure*, and entitled immediately to exercise all the powers and rights of States, without any previous recognition by Congress. Congress has no power under the Constitution to prevent their restoration to the Union, or to prescribe conditions of restoration. Either of these acts on the part of Congress would be disintegration; which involves a like crime as that of secession. The Southern States have the same right to amend their constitutions as Massachusetts or New York. These amendments require no ratification by

Congress. And where they are confined to the abolition of slavery, there is no pretense of a right of review by Congress, under the provision of the Constitution, that the United States shall guarantee to every State a Republican form of Government.

In respect to the extent of the amnesty to those who have been actively engaged or implicated in the rebellion, a powerful appeal was made a few days since in favor of lenity to the Southern people, by Maj. Gen. F. P. Blair, a supporter of the policy of the President; a man of mark as a statesman and a soldier. One powerful argument urged by General Blair in favor of lenity, was, that a majority of the Southern States had incurred no moral guilt; for the reason that they were the involuntary instruments and victims of the rebellion, having been overawed and coerced to participate therein, by the minority who controlled the political power and had in their hands the arms and the entire military force of such States. He insisted that it could not be asserted of any State, that a majority were in favor of secession; and in reference to Virginia, the majority was 80,000 against it; that the Union men of these States were true

and loyal to the Government as long as the United States protected them; and that they remained so, until this protection was withdrawn, and they were constrained by the rebel governments to take up arms in favor of the rebellion, or to give it aid and comfort. Citizens of a nation, yielding under such circumstances obedience to a usurping *de facto* government, are not responsible criminally, to the government to which they owe allegiance. And General Blair says, that the class of men who talk of exterminating the people of the south and obliterating their State lines, are those men who did not go down south "to help kill any of the people there, and who were careful not to go there as long as the rebels had arms in their hands to defend themselves." We must concede that these are cogent reasons in favor of lenity to the southern people.

Mr. Gerret Smith makes a similar appeal in favor of the south. He has been for years a consistent and eloquent advocate of the emancipation of the colored race. He now, influenced by like motives of humanity which induced his support of emancipation, appeals for the extension of mercy to the Southern people, including

those who held in bondage the race for whose liberation he has so long labored.

Henry Ward Beecher is also an advocate for lenity to the South. Always courageous and direct in assailing an adverse opinion, he meets the question of amnesty with characteristic frankness, and presents a forcible argument in favor of a general condonation of the southern people; extending it even to the life of Jefferson Davis. Let us second the eloquent appeals of these distinguished gentlemen.

All the fighting generals of our army, whose opinions have been expressed, unite in the appeal for lenity. Sherman, with his characteristic energy and earnestness, not only commends a generous treatment of the South, but stigmatises as disgraceful to soldier or civilian the superadding of oppression and insult to an overwhelming defeat. In these generous and noble sentiments, he represents the opinions and feelings of the army. Magnanimity and humanity are the handmaids of true heroism. A brave soldier never tramples upon or insults a conquered enemy. The most magnificent feats of arms are attended and succeeded by distinguished acts of forbearance and kindness. The true knight first con-

quers his adversary by his prowess, and then wins his heart by his princely courtesy. The popular heart of the North sympathises with these sentiments. It thirsts not for the blood of southern rebels. It has been sickened, grieved, and agonized by the immense waste of human life, *in this unna wral war*. It now yearns for peace—perpetual peace—domestic tranquility, and the restoration of the fraternal as well as the political relations between the North and South. If it is suggested that further punishment should be inflicted upon the insurgents, the answer is, they have been already grievously punished. They are the victims as well as the authors of the war; a war which has more than decimated their arms-bearing population; which has devastated their plantations; consumed their habitations; demolished their public works, and destroyed their property. The interest in slavery forfeited, alone, exceeds three thousand millions of dollars. The insurrectionary States environed by sea and land, with powerful Federal armies in the heart of their territory; their commerce, foreign and domestic, destroyed; their staples seized, and reproduction impossible; the entire population have been reduced to poverty, and the whole in-

surgent territory involved in universal distress and ruin.

The two principal issues involved in the conflict were secession and slavery. Both are now dead—abolished by the triumph of the Union arms. And it is a cheering augury of our country's future, that the insurgent leaders, military and civil, and the entire southern population, adopt this result as an irreversible finality; and manifest a willingness and readiness to accept the amnesty of the President upon the terms proposed, and to co-operate with him in the execution of his plan of restoration. Shall we give his plan our support? The popular voice North and South is evidently in its favor. Wisdom and patriotism demand its adoption. A restoration of the Union upon the President's principles, with the free assent and concurrence of the South, will be a restoration upon an imperishable foundation;—the beneficent principles of the Constitution—the fraternity of the whole people—the union of minds and hearts of all sections—homogeneous institutions and community of material interests—although various and diverse, yet harmonious and essential to the highest growth of each other. Secession and

slavery being expunged, there will remain no elements of discord to irritate, alienate or divide the American people. The Union will secure the peace and safety of each and all the parts, against external and internal danger, and will furnish a guarantee of its own indissolubility. Such is the promise of the President's policy of restoration. Christianity commends it to a Christian people, as a beneficent plan of reconciliation and condonation, founded upon principles of humanity and justice, wisdom and patriotism; the fruits of which will extend into the distant future; infusing new vigor into our democratic institutions, increasing the tenacity of the bonds of the Union, and giving us the assurance that the refraternisation of the people humbled under the judgments of God, will bear the promise of a purer national life, of a higher standard of public morals, of increased religious attainments, of a more earnest loyalty, and a livelier sense of every civil and political obligation. Let our prayers daily ascend to the Supreme Governor of the world, invoking the bestowal upon our nation and people of all these blessings, and also of all other needed blessings;

and especially supplicating that he would make us a happy, virtuous and righteous people.

And now allow me to repeat the sentiment of Mr. Adams—"The future is all before us, and Providence is our guide;"—and I cannot better conclude this address than by adopting the sentiment of Jackson—"Our Federal Union; it must be preserved."

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